UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,820	09/11/2003	Kuldipsingh A. Pabla	5681-69600	5945

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EXAMINER
PARK, JEONG S

ART UNIT	PAPER NUMBER
2154	

MAIL DATE	DELIVERY MODE
07/17/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	10/659,820	PABLA ET AL.
	Examiner	Art Unit
	JEONG S. PARK	2154

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 June 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
   See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

                             /Joseph E. Avellino/
                             Primary Examiner, Art Unit 2146

Continuation of 11. does NOT place the application in condition for allowance because:

In response to applicant's argument that Kampe's "cluster" is equivalent to "grid" as used in the instant application, the grid computing system is interpreted as a clustered computer network because the clustered computer network is the distributed shared computer environment as defined as the well-known grid (see, e.g., page 1, paragraph [0006]-[0007]). Claims are to be given their broadest reasonable interpretation during prosecution, and the scope of a claim cannot be narrowed by reading disclosed limitations into the claim. See In re Morris, 127 F.3d 1048, 1054, 44 USPQ2D 1023, 1027 (Fed. Cir. 1997); In re Zletz, 893 F.2d 319, 321, 13 USPQ2D 1320, 1322 (Fed. Cir. 1989); In re Prater, 415 F.2d 1393, 1404, 162 USPQ 541,550 (CCPA 1969). In addition, the law of anticipation does not require that a reference "teach" what an appellant's disclosure teaches. Assuming that reference is properly "prior art,'" it is only necessary that the claims "read on" something disclosed in the reference, i.e., all limitations of the claim are found in the reference, or "fully met" by it. Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 772, 218 USPQ 781,789 (Fed. Cir. 1983).

In response to applicant's argument that Kampe's "node" is pre-configured contrary to "node" used in the instant application, Kampe teaches as follows:

The node is pre-configured as the middleware with initial default parameters not as a cluster member (a peer node boots and the local cluster membership monitor entity is started as part of the carrier-grade highly available middleware. The node then attempts to join a cluster, see, e.g., page 2, paragraph [0039]); and

The default parameters are only used during initialization as of an middleware and the configuration data from the master cluster membership monitor entity (applicant's master node) override the default parameters (see, e.g., page 3, paragraph [0044]).

Therefore, the Kampe's node was not configured as a cluster member before joining the cluster but configured with the data from the cluster configuration repository (see, e.g., page 3, paragraph [0040]).

In response to applicant's argument that Kampe does not mention the node sending node information to the master node when describing the method of joining a cluster, Doyle teaches that a node sending the master node information about the node (client control program, reference character 12 in figure 2a, sends to the master computer the existence and configuration of various predetermined resources on the client computer, see, e.g., col.3, line 64 to col. 4, line 10).

Also Kampe teaches that the cluster joining node sending node ID to the master node (see, e.g., page 3, paragraph [0044]).

In response to applicant's argument that Doyle does not teaches the discovering the master node step, Doyle does not disclose of discovering the master node in accordance with one or more peer-to-peer platform protocol.

IEEE discloses as follows:

Discovering neighboring nodes in peer-to-peer system (a mobile peer-to-peer system in ad-hoc network of discovering neighboring devices automatically, see, e.g., page 82, section 3.3.4: Resource Discovery);

Presence protocol (Proem) contains messages that allow peers to announce their presence and the availability of entities throughout a network (see, e.g., page 85, section 4.2.3: Protocols and Messages); and

Proem is a general-purpose platform for building arbitrary mobile peer-to-peer applications (see, e.g., page 87, section 5.1: Proem and Ad hoc Networks).

Therefore, IEEE discloses discovering of all neighboring devices (applicant's nodes) in accordance with Proem peer-to-peer protocol.

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine Doyle to include the peer-to-peer protocol as taught by IEEE in order to discover all neighboring nodes, which have not been connected as a fixed network or configured, with the master node to participate in distributed or grid computing system.

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